No. 00-836

ORIGINAL

IN THE

Supreme Court of the United States

GEORGE W. BUSH,

Petitioner,

v.

PALM BEACH COUNTY CANVASSING BOARD, *et al.*,

Respondents.

On Petition For A Writ Of Certiorari To The Supreme Of Florida

FILED
NOV 2 .. 2000
OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION TO FILE PETITION FOR A WRIT OF CERTIORARI IN 8½-by 11-INCH PAGE PROOFS

Petitioner George W. Bush, as candidate of the Republican Party for the office of President of the United States of America, respectfully requests leave to file a petition for a writ of certiorari in 8½-by 11-inch page proofs (with printed copies to filed shortly hereafter as soon as is reasonably practicable).

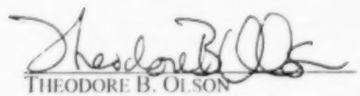
Petitioner received the most votes in the State of Florida in the presidential election held November 7, 2000. That result was confirmed by a statewide recount, and confirmed again after a tabulation of overseas absentee ballots. The Supreme Court of Florida has held, however, that the Secretary of State cannot certify those election results in accordance with preexisting Florida law and must instead wait for the statutorily untimely results of manual recounts being conducted in three Florida counties before certifying the results of the November 7, 2000 presidential election. In an opinion issued on November 21, 2000 (at 9:45 p.m.), the Supreme Court of Florida ruled that the

Secretary of State must accept the untimely results of those manual recounts if those results are submitted to her by Sunday, November 26, 2000 (or by the morning of November 27, in the event the offices of the Secretary of State are not open for that purpose on Sunday).

Because those manual recount procedures are not only untimely under preexisting statutory law but also are being conducted under *ad hoc* and constantly shifting standards in a politically-charged, partisan atmosphere, the judgment of the Supreme Court of Florida clearly conflicts with 3 U.S.C. § 5 and multiple provisions of the United States Constitution. In light of the schedule established by the Court below, the imminence of the Thanksgiving holiday, and the need for extraordinary expedition in order to secure a definitive judicial resolution of this controversy in advance of December 18, 2000—when the Electoral College will meet to select the next President and Vice President of the United States—it is simply not feasible to file a certiorari petition that complies with the requirements of Rule 33. Petitioner therefore seeks leave to file their petition in 8½-by

11-inch page proofs, with the understanding that printed versions of the petition, complying with the requirements of Rule 33, will be filed soon as is reasonably practicable after the filing of the petition.

Respectfully submitted.



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November 22, 2000

No.

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On Petition For A Writ Of Certiorari
To The Supreme Court of Florida

CERTIFICATE OF SERVICE

I hereby certify that I am a member in good standing of the bar of this Court and that on this 22nd day of November, 2000, I caused one copy of **MOTION TO FILE PETITION FOR A WRIT OF CERTIORARI IN 8½-by 11-INCH PAGE PROOFS** the Petition For A Writ Of Certiorari to be served by facsimile, and one copy to be served by United States mail, postage prepaid, on counsel identified below. All parties required to be served have been served.

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